

Appl. No. 10/687,006
Reply dated October 31, 2005
Reply to Office Action of June 01, 2005

Remarks

Claims 1-26 are pending in the application. No claims are amended by this paper and no new claims are added.

Applicants thank Examiner Lechert for including in the Office Action mailed June 01, 2005 signed copies of the initialed Forms PTO-1449 sent with Applicants' Information Disclosure Statements.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and following remarks is respectfully requested.

By way of paragraphs 3-5 of the Office Action mailed June 01, 2005, the instant application was rejected for alleged non-statutory obviousness-type double patenting over two co-pending patent applications, USSN 10/325,140 and USSN 10/694,420, both assigned to the assignee of the instant application. Because all three applications are pending and no claim scope has been determined for any of the applications, Applicants respectfully request that this provisional rejection be held in abeyance with respect to the present application until such time as the presence of allowable subject matter is indicated.

Claims 1-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Ferencz, et al. (U.S. Pat. No. 6,797,101). This rejection is respectfully traversed.

The invention as claimed in claim 1 is directed to a method of making a nonwoven web, the method including the steps of providing a source of fibers, subjecting the fibers to an electrostatic charge, deflecting the fibers with a non-contacting deflecting device; and collecting the fibers on a moving forming surface to form the nonwoven web. The invention as claimed in claim 14 is directed to apparatus for forming a fibrous nonwoven web, the apparatus including a source of fibers, a device for applying an electrostatic charge to the fibers, a non-contacting fiber deflecting device adapted to affect the fibers while the fibers

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are under the influence of the applied electrostatic charge, and a forming surface for collecting the fibers as a fibrous nonwoven web.

Turning to the Ferencz, et al. reference, it was stated in the Office Action that Ferencz, et al. disclose a method of providing a source of fibers, subjecting the fibers to an electrostatic charge, deflecting the fibers with a non-contacting deflecting device, and collecting the fibers to form a web. Ferencz, et al. at column 2 lines 36-41 was noted in this regard. However, Applicants respectfully disagree that Ferencz, et al. reference disclose all of the elements of their claims 1 and 14. Particularly, Applicant submit that the Ferencz, et al. reference fails at least to disclose the element of a non-contacting deflecting device for deflecting the fibers. Please note Ferencz, et al. column 3 lines 23-43, state that their method and/or apparatus is intended to have the fibers travel without deflection.

Furthermore, with respect to the section of Ferencz, et al. reference noted in the Office Action (column 2 lines 36-41), Applicants point out that this section specifically describes contact-type deflection such as is known in the art, such as for example impinging the fibers off of a deflector plate. Ferencz, et al. instead direct their disclosure to a method for reducing randomization to produce a web having high machine direction fiber orientation (please see, for example, Ferencz, et al. at column 3 lines 5-8 and especially column 3 lines 39-42). Therefore, Applicants submit that the disclosure of Ferencz, et al. fails to anticipate their invention.

For at least these reasons set forth above, because the Ferencz, et al. reference has not been shown to disclose all of the parameters or requirements of Applicants' independent claims 1 and 14 as presented, Applicants respectfully submit that the rejection of claims 1-26 under 35 U.S.C. §102(e) over Ferencz, et al. should be withdrawn. Applicants respectfully submit that the application is now in condition for allowance and favorable action thereon is respectfully requested. The Examiner is encouraged to call the undersigned at his convenience if any unresolved issues should be believed to remain.

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Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 770-587-8908.

Respectfully submitted,

THOMAS W. BROCK ET AL.

By:



Robert A. Ambrose

Registration No.: 51,231

CERTIFICATE OF FACSIMILE TRANSMISSION

I, Robert A. Ambrose, hereby certify that on October 31, 2005, this document is being faxed to the United States Patent and Trademark Office, central facsimile machine at (571) 273-8300.

By:



Robert A. Ambrose